

House Bill 705 (AS PASSED HOUSE AND SENATE)

By: Representatives Carter of the 159<sup>th</sup> and Burns of the 157<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create a board of elections and registration for Effingham County and to provide for its  
2 powers and duties; to provide for definitions; to provide for the composition of the board and  
3 the selection and appointment of members; to provide for the qualification, terms, and  
4 removal of members; to provide for oaths and privileges; to provide for meetings,  
5 procedures, and vacancies; to relieve certain officers of powers and duties and to provide for  
6 the transfer of functions to the newly created board; to provide for certain expenditures of  
7 public funds; to provide for certain personnel; to provide for compensation of members of  
8 the board and personnel; to provide for offices and equipment; to provide for the board's  
9 performance of certain functions and duties for certain municipalities; to provide for related  
10 matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the  
14 Board of Elections and Registration of Effingham County, hereinafter referred to as "the  
15 board." The board shall have the powers, duties, and responsibilities of the judge of the  
16 probate court of Effingham County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia  
17 Election Code," and the powers, duties, and responsibilities of the board of registrars of  
18 Effingham County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

19 **SECTION 2.**

20 The terms "election," "elector," "political party," "primary," and "public office" shall have  
21 the same meanings as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia  
22 Election Code," unless otherwise clearly apparent from the text of this Act, and the term  
23 "commissioners" means the board of commissioners of Effingham County and "county"  
24 means Effingham County.

**SECTION 3.**

(a) The board shall be composed of five members who shall be appointed as provided in this section.

(b) Two members of the board shall be appointed by the political party which received the highest number of votes within the county for its candidate for Governor in the general election immediately preceding the appointment of such member. Two members of the board shall be appointed by the political party which received the second highest number of votes within the county for its candidate for Governor in the general election immediately preceding the appointment of such member. Each of the respective members appointed by political parties shall be nominated by the party chairperson and ratified by the county executive committee of the respective political party at least 30 days before the beginning of the term of office or within 30 days after the creation of a vacancy in the office. In the event that a political party entitled to appoint a member of the board does not have a county executive committee, such appointment shall be made by the state executive committee of such political party.

(c) The fifth member shall be chosen by agreement of the members appointed by the political parties. In the event that the political party members cannot agree, the fifth member shall be appointed by the chief judge of the Superior Court of Effingham County.

(d) All appointments to the board shall be promptly certified by the appointing authority to the clerk of the Superior Court of Effingham County.

(e) In making the initial appointments to the board, the members appointed by the political parties shall be appointed not later than June 1, 2007. The fifth member shall be appointed not later than June 15, 2007. If such fifth member has not been appointed by June 15, 2007, the chief judge of the Superior Court of Effingham County shall make such appointment not later than July 1, 2007. In making their appointments, the political parties shall designate one of the two appointees to serve a term of office beginning on July 1, 2007, and ending on June 30, 2009, and until his or her successor is duly appointed and qualified. The other appointee of each political party shall serve a term of office beginning on July 1, 2007, and ending on June 30, 2011, and until his or her successor is duly appointed and qualified. Successors to such members shall thereafter be appointed to serve terms of office of four years and until their successors are duly appointed and qualified. The fifth appointee shall serve a term beginning on July 1, 2007, and ending on June 30, 2011, and until his or her successor is duly appointed and qualified. A successor to such member shall thereafter be appointed to serve a term of office of four years and until his or her successor is duly appointed and qualified. In the event that the political party members cannot agree on the appointment of a successor to the fifth member within 30 days after the end of such person's

1 term of office, the successor shall be appointed by the chief judge of the Superior Court of  
2 Effingham County.

3 **SECTION 4.**

4 (a) No person who holds elective public office shall be eligible to serve as a member of the  
5 board during the term of such elective office, and the position of any member of the board  
6 shall be deemed vacant upon such member's qualifying as a candidate for elective public  
7 office.

8 (b) Members of the board must be residents of Effingham County and must have been  
9 registered voters in Effingham County for a period of at least one year prior to the date of  
10 their appointment to the board.

11 **SECTION 5.**

12 The appointing authorities shall certify the appointment of each member of the board by  
13 filing an affidavit with the clerk of the superior court not later than 15 days preceding the  
14 date upon which such members are to take office, stating the name and residential address  
15 of the person appointed and certifying such member has been duly appointed as provided in  
16 this Act. The clerk of the superior court shall record each of such certifications on the  
17 minutes of the superior court and shall certify the name of each such appointed member to  
18 the Secretary of State and provide for the issuance of appropriate commissions to the  
19 members within the same time and in the same manner as provided by law for registrars.

20 **SECTION 6.**

21 Each member of the board shall be eligible to serve two full four-year terms of office, shall  
22 have the right to resign at any time by giving written notice of such resignation to the  
23 governing authority of Effingham County and to the clerk of the superior court, and shall be  
24 subject to removal from the board by the chief judge of the Superior Court of Effingham  
25 County at any time, for cause, after notice and hearing.

26 **SECTION 7.**

27 In the event a vacancy occurs in the office of any appointed member before the expiration  
28 of his or her term, by removal, death, resignation, or otherwise, the authority which  
29 appointed the member whose position has been vacated shall appoint a successor to serve the  
30 remainder of the unexpired term as provided for in Section 3 of this Act. The clerk of the  
31 superior court shall be notified of such interim appointments and record and certify such  
32 appointments in the same manner as the regular appointment of members.

**SECTION 8.**

Before entering upon the member's duties, each member shall take substantially the same oath as required by law for registrars and shall have the same privileges from arrest.

**SECTION 9.**

(a) The board shall be authorized to organize itself, elect a chairperson, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise take such action as is appropriate to the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law. Action and decision by the board shall be by a majority of the members of the board. The board shall be responsible for the selection, appointment, and training of poll workers in primaries and elections.

(b) The board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction. Any specially called meeting shall be called by the chairperson or any member of the board. The board shall maintain a written record of policy decisions amended to include additions or deletions. Such written records shall be made available for the public to review.

**SECTION 10.**

The board shall have the authority to contract with any municipality located within Effingham County for the holding by the board of any primary or election to be conducted within such municipality.

**SECTION 11.**

(a) The board shall be authorized to appoint an election supervisor to generally supervise, direct, and control the administration of the affairs of the board pursuant to law and duly adopted resolutions of the board. Such election supervisor shall not be a member of the board. The election supervisor shall be considered an employee of Effingham County and shall be entitled to the same benefits as other employees of Effingham County.

(b) The board is authorized to employ additional clerical assistants as needed to carry out the duties and functions of the board. All such clerical assistants shall be considered to be employees of Effingham County and shall be entitled to the same benefits as other employees of Effingham County.

(c) The election supervisor and the clerical assistants shall be under the exclusive control, direction, and supervision of the board.

**SECTION 12.**

Compensation for the members of the board, election supervisor, clerical assistants, and other employees shall be fixed by the governing authority of Effingham County. Such compensation shall be paid wholly from county funds.

**SECTION 13.**

The governing authority of Effingham County shall provide the board with such proper and suitable offices, equipment, materials, and supplies and with such clerical assistance and other employees as the governing authority of Effingham County deems appropriate.

**SECTION 14.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval for purposes of making initial appointments to the board only. This Act shall become fully effective on July 1, 2007. Upon this Act becoming fully effective, the superintendent of elections of Effingham County and the board of registrars of Effingham County shall be relieved of all powers and duties to which the board succeeds by the provisions of this Act and shall deliver to the board all equipment, supplies, materials, books, papers, records, and facilities pertaining to such powers and duties.

**SECTION 15.**

All laws and parts of laws in conflict with this Act are repealed.